REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1, 3, 4, 10, 12, 14, 19, 20, 27, 33, 34, and 37 are amended. Claims 2, 18, and 32 are canceled without prejudice. New claims 39 and 40 are added. Claims 1, 3-17, 19-31, and 33-40 are pending in this application.

35 U.S.C. § 102

Claims 1-7, 10-11, 14-16, 18-22, 27-30, and 32-38 stand rejected under 35 U.S.C. §102(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0198972 to Babbitt et al. (hereinafter "Babbitt"). Claims 2, 18, and 32 have been canceled without prejudice, thereby rendering the rejection of claims 2, 18, and 32 moot. Applicant respectfully submits that claims 1, 3-7, 10-11, 14-16, 19-22, 27-30, and 33-38 are not anticipated by Babbitt.

Babbitt is directed to a pre-boot multicast address management protocol for a computer network (see, title and page 1, paragraph 2). Babbitt discusses that the client begins the process of booting by first obtaining the necessary operating system files from a file server process on an intranet, a process that is called pre-boot (see, page 1, paragraph 5). The pre-boot process begins when the client computer is switched on and firmware on the client begins negotiating with an addressing server process to obtain a network address for the client on the intranet (see, page 1, paragraph 6). Once the client has obtained a network address, the pre-boot process continues with the client making a request to a boot negotiation server process for a multicast address (see, page 1, paragraph 7). The multicast

address is the location on the intranet where the client can obtain boot information needed to boot the client with the desired operating system (see, page 1, paragraph 8). The client goes to the multicast address and listens for a period of time, waiting for a file server process to begin multicasting the desired boot information (see, page 1, paragraph 10).

In contrast, amended claim 1 recites:

> An apparatus configured to manage installation of operating systems on a plurality of computing devices, wherein the installation is performed across the plurality of computing devices both concurrently and asynchronously, wherein the installation comprises transferring multiple portions of data to each of the plurality of computing devices, and wherein some of the multiple portions are transferred to the plurality of computing devices concurrently and other of the multiple portions are transferred to the plurality of computing devices asynchronously, and wherein the portions that are transferred to the plurality of computing devices asynchronously include one or more programs to be executed on the plurality of computing devices to configure the plurality of computing devices.

Applicant respectfully submits that the pre-boot process of Babbitt does not disclose the apparatus of amended claim 1.

In amended claim 1, the installation comprises transferring some portions of data to the plurality of computing devices concurrently and some portions asynchronously. The portions that are transferred asynchronously include one or more programs to be executed on the plurality of computing devices to configure the plurality of computing devices. Applicant respectfully submits that Babbitt includes no discussion or mention of one or more programs to be executed on the plurality of computing devices to configure the plurality of computing devices being transferred to a plurality of computing devices asynchronously, while other portions of data for the installation are transferred to the plurality of computing

devices concurrently. As discussed above, Babbitt discusses the client making a request to a boot negotiation server process for a multicast address, and then going to the multicast address and listening for a period of time. However, Applicant respectfully submits that simply obtaining a multicast address does not disclose wherein the portions that are transferred to the plurality of computing devices asynchronously include one or more programs to be executed on the plurality of computing devices to configure the plurality of computing devices as recited in amended claim 1.

For at least these reasons, Applicant respectfully submits that amended claim 1 is allowable over Babbitt.

Given that claims 3-7 depend from amended claim 1, Applicant respectfully submits that claims 3-7 are likewise allowable over Babbitt for at least the reasons discussed above with respect to amended claim 1.

With respect to amended claim 10, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Babbitt does not disclose performing a first portion of an installation process on each of the plurality of computing devices asynchronously across the plurality of computing devices, wherein performing the first portion comprises downloading one or more programs to each of the plurality of computing devices to be executed on the plurality of computing devices to configure the plurality of computing devices as recited in amended claim 10. For at least these reasons, Applicant respectfully submits that amended claim 10 is allowable over Babbitt.

Given that claim 11 depends from amended claim 10, Applicant respectfully submits that claim 11 is likewise allowable over Babbitt for at least the reasons discussed above with respect to amended claim 10.

With respect to amended claim 14, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Babbitt does not disclose one or more computer readable media having stored thereon a plurality of instructions that causes the one or more processors to control installation of the operating systems on the plurality of computing devices asynchronously and in parallel, wherein the installation comprises transferring multiple portions of data to each of the plurality of computing devices, and wherein some of the multiple portions are transferred to the plurality of computing devices in parallel and other of the multiple portions are transferred to the plurality of computing devices asynchronously, and wherein the portions that are transferred to the plurality of computing devices asynchronously include one or more programs to be executed on the plurality of computing devices to configure the plurality of computing devices as recited in amended claim 14. For at least these reasons, Applicant respectfully submits that amended claim 14 is allowable over Babbitt.

Given that claims 15, 16, and 19-22 depend from amended claim 14, Applicant respectfully submits that claims 15, 16, and 19-22 are likewise allowable over Babbitt for at least the reasons discussed above with respect to amended claim 14.

With respect to amended claim 27, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Babbitt does not disclose controlling, in parallel and asynchronously, installation of the operating

systems on the plurality of devices, wherein the installation comprises transferring multiple portions of data to each of the plurality of devices, and wherein some of the multiple portions are transferred to the plurality of devices in parallel and other of the multiple portions are transferred to the plurality of devices asynchronously, and wherein the portions that are transferred to the plurality of computing devices asynchronously include one or more programs to be executed on the plurality of computing devices to configure the plurality of computing devices as recited in amended claim 27. For at least these reasons, Applicant respectfully submits that amended claim 27 is allowable over Babbitt.

Given that claims 28-30 and 33-36 depend from amended claim 27, Applicant respectfully submits that claims 28-30 and 33-36 are likewise allowable over Babbitt for at least the reasons discussed above with respect to amended claim 27.

With respect to amended claim 37, Applicant respectfully submits that, similar to the discussion above regarding amended claim 1, Babbitt does not disclose means for performing a first portion of an installation process on each of the plurality of computing devices asynchronously across the plurality of computing devices, wherein the means for performing the first portion comprises means for downloading one or more programs to each of the plurality of computing devices to be executed on the plurality of computing devices to configure the plurality of computing devices as recited in amended claim 37. For at least these reasons, Applicant respectfully submits that amended claim 37 is allowable over Babbitt.

Given that claim 38 depends from amended claim 37, Applicant respectfully submits that claim 38 is likewise allowable over Babbitt for at least the reasons discussed above with respect to amended claim 37.

Applicant respectfully requests that the §102 rejections be withdrawn.

35 U.S.C. § 103

Claims 8 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Babbitt in view of WIPO Publication Number WO 01/16701 to GLAXO Group Limited (hereinafter "Glaxo"). Applicant respectfully submits that claims 8 and 23 are not obvious over Babbitt in view of Glaxo.

Glaxo is directed to remote installation of operating systems (see, Title). As discussed in the Abstract of Glaxo, and in more detail at page 7, line 12 to page 8, line 2, Glaxo describes a method of installing a computer operating system from a network to a computer and configuring the computer for use on the network or on another network. An installation routine is run which accepts an input of a build location and a delivery location, interrogates an environment database with the build location and the delivery location to obtain one or more build specific variables and one or more delivery specific variables. The installation routine also determines the computer type and installed hardware components, accesses the network using the build specific variables, and copies a master installation script from an operating system installation source stored on the network. Still further, the installation routine modifies the copied installation script in dependence on the build specific variables, delivery specific variables, detected computer type and hardware components to create a dedicated installation script. The computer

operating system is subsequently automatically installed using the dedicated installation script. The installation process may also include the step of registering the computer with the network where it is to be used upon so that it is ready for immediate use at the delivery location.

In contrast, claim 8 recites:

> An apparatus as recited in claim 1, wherein the apparatus further comprises a network boot service to:
> receive, from one of the plurality of computing devices, information describing hardware installed on the computing device; and
> use the received information to generate a deployment agent to be downloaded to the computing device and used to install the operating system on the computing device.

In the August 16 Office Action, Glaxo is cited as teaching these elements of claim 8. Applicant respectfully disagrees and submits that Glaxo does not disclose the receipt and use as recited in claim 8.

In claim 8, information describing hardware installed on the computing device is received and used to generate a deployment agent to be downloaded to the computing device. In contrast, in Glaxo a master installation script held with the computer operating system installation source on the network data store is copied onto the disk memory of the computer workstation, and the copy of the installation script is then modified in dependence on the build location specific variables, on the delivery location specific variables and on the computer workstation variables to create a dedicated installation script (see, page 7, lines 26-31). Thus, in Glaxo the master installation script is copied to the computer workstation and then modified, whereas in claim 8 the received information is used to generate the deployment agent prior to downloading of the deployment

agent to the computing device. Applicant respectfully submits that there is no discussion or mention in Glaxo of modifying the installation script of Glaxo prior to copying the installation script to the workstation of Glaxo, and thus that Glaxo cannot disclose the receipt and use of the information describing hardware installed on the computing device to generate a deployment agent to be downloaded to the computing device as recited in claim 8. Absent any such discussion or mention, Applicant respectfully submits that Glaxo cannot disclose or suggest the receipt and use of information describing hardware installed on the computing device as recited in claim 8.

Since neither Babbitt nor Glaxo disclose or suggest the receipt and use of information describing hardware installed on the computing device as recited in claim 8, Applicant respectfully submits that the combination of Babbitt and Glaxo does not disclose or suggest the receipt and use of information describing hardware installed on the computing device as recited in claim 8. For at least these reasons, Applicant respectfully submits that claim 8 is allowable over Babbitt in view of Glaxo.

With respect to claim 23, Applicant respectfully submits that, similar to the discussion above regarding claim 8, Babbitt in view of Glaxo does not disclose or suggest receipt of information describing hardware installed on a computing device and use of the received information to generate a deployment agent to be downloaded to the computing device and used to install the operating system on the computing device as recited in claim 23. For at least these reasons, Applicant respectfully submits that claim 23 is allowable over Babbitt in view of Glaxo.

Claims 9, 13, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Babbitt in view of U.S. Patent No. 6,687,902 to Curtis et al. (hereinafter "Curtis"). Applicant respectfully submits that claims 9, 13, and 26 are not obvious over Babbitt in view of Curtis.

With respect to claim 9, claim 9 depends from amended claim 1 and Applicant respectfully submits that claim 9 is allowable over Babbitt for at least the reasons discussed above with respect to amended claim 1. Curtis is not cited as curing, and does not cure, the deficiencies of Babbitt discussed above with respect to amended claim 1. For at least these reasons, Applicant respectfully submits that claim 9 is allowable over Babbitt in view of Curtis.

With respect to claim 13, claim 13 depends from amended claim 10 and Applicant respectfully submits that claim 13 is allowable over Babbitt for at least the reasons discussed above with respect to amended claim 10. Curtis is not cited as curing, and does not cure, the deficiencies of Babbitt discussed above with respect to amended claim 10. For at least these reasons, Applicant respectfully submits that claim 13 is allowable over Babbitt in view of Curtis.

With respect to claim 26, claim 26 depends from amended claim 14 and Applicant respectfully submits that claim 26 is allowable over Babbitt for at least the reasons discussed above with respect to amended claim 14. Curtis is not cited as curing, and does not cure, the deficiencies of Babbitt discussed above with respect to amended claim 14. For at least these reasons, Applicant respectfully submits that claim 26 is allowable over Babbitt in view of Curtis.

Claims 12, 24, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Babbitt in view of Glaxo and further in view of U.S. Patent No.

6,236,983 to Hofmann et al. (hereinafter "Hofmann"). Applicant respectfully submits that claims 12, 24, and 25 are not obvious over Babbitt in view of Glaxo and further in view of Hofmann.

With respect to claim 12, Applicant respectfully submits that, similar to the discussion above regarding claim 8, Babbitt in view of Glaxo does not disclose or suggest downloading, to each of the plurality of computing devices, a deployment agent, wherein the deployment agent downloaded to a particular computing device is generated based on the received information regarding the particular computing device as recited in claim 12. Hofmann is not cited as curing, and does not cure, these deficiencies of Babbitt in view of Glaxo.

Furthermore, Applicant respectfully submits that there is no disclosure or suggestion in Babbitt, Glaxo, or Hofmann, or the combination thereof, of downloading a deployment agent loader and downloading a deployment agent asynchronously (as part of the first portion) as recited in claim 12. Babbitt is cited in the August 16 Office Action as disclosing performing installation across a plurality of computing devices both concurrently and asynchronously. However, as discussed above, Babbitt describes the client making a request to a boot negotiation server process for a multicast address, and then going to the multicast address and listening for a period of time. Thus, obtaining this multicast address is the only part of Babbitt that could be considered as being performed asynchronously. There is no mention or discussion of performing any other actions asynchronously, much less of those actions being downloading of a deployment agent loader and downloading of a deployment agent. Glaxo and Hofmann are not cited as disclosing or suggesting, and do not disclose or suggest,

performing of such actions as part of an asynchronous (first) portion of an installation process rather than a concurrent (second) portion of the installation process. Accordingly, as none of Babbitt, Glaxo, and Hofmann disclose downloading a deployment agent loader and downloading a deployment agent asynchronously, Applicant respectfully submits that Babbitt in view of Glaxo and further in view of Hofmann cannot disclose or suggest downloading a deployment agent loader and downloading a deployment agent asynchronously as recited in claim 12.

For at least these reasons, Applicant respectfully submits that claim 12 is allowable over Babbitt in view of Glaxo and further in view of Hofmann.

With respect to claim 24, Applicant respectfully submits that, similar to the discussion above regarding claim 8, Babbitt in view of Glaxo does not disclose or suggest dynamically generating a deployment agent for the one computing device based at least in part on the hardware installed on the one computing device, and downloading the dynamically generated deployment agent to the one computing device as recited in claim 24. Hofmann is not cited as curing, and does not cure, these deficiencies of Babbitt in view of Glaxo. For at least these reasons, Applicant respectfully submits that claim 24 is allowable over Babbitt in view of Glaxo and further in view of Hofmann.

Given that claim 25 depends from claim 24, Applicant respectfully submits that claim 25 is likewise allowable over Babbitt in view of Glaxo and further in view of Hofmann for at least the reasons discussed above with respect to claim 24.

Claims 17 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Babbitt in view of U.S. Patent No. 6,763,456 to Agnihotri et al.

(hereinafter "Agnihotri"). Applicant respectfully submits that claims 17 and 31 are not obvious over Babbitt in view of Agnihotri.

With respect to claim 17, claim 17 depends from amended claim 14 and Applicant respectfully submits that claim 17 is allowable over Babbitt for at least the reasons discussed above with respect to amended claim 14. Agnihotri is not cited as curing, and does not cure, the deficiencies of Babbitt discussed above with respect to amended claim 14. For at least these reasons, Applicant respectfully submits that claim 17 is allowable over Babbitt in view of Agnihotri.

With respect to claim 31, claim 31 depends from amended claim 27 and Applicant respectfully submits that claim 31 is allowable over Babbitt for at least the reasons discussed above with respect to amended claim 27. Agnihotri is not cited as curing, and does not cure, the deficiencies of Babbitt discussed above with respect to amended claim 27. For at least these reasons, Applicant respectfully submits that claim 31 is allowable over Babbitt in view of Agnihotri.

Applicant respectfully requests that the §103 rejections be withdrawn.

New Claims

New claims 39 and 40 are added.

With respect to new claim 39, new claim 39 depends from amended claim 1 and Applicant respectfully submits that new claim 39 is allowable over the cited references at least because of its dependency on amended claim 1. Furthermore, Applicant respectfully submits that the cited references do not disclose or suggest an apparatus as recited in claim 1, wherein the one or more programs are executed on the plurality of computing devices to set one or more BIOS parameters on the

plurality of computing devices as recited in new claim 39. For at least these reasons, Applicant respectfully submits that new claim 39 is allowable over the cited references.

With respect to new claim 40, new claim 40 depends from amended claim 1 and Applicant respectfully submits that new claim 40 is allowable over the cited references at least because of its dependency on amended claim 1. Furthermore, Applicant respectfully submits that the cited references do not disclose or suggest an apparatus as recited in claim 1, wherein the one or more programs are executed on the plurality of computing devices to set one or more RAID parameters on the plurality of computing devices as recited in new claim 40. For at least these reasons, Applicant respectfully submits that new claim 40 is allowable over the cited references.

Conclusion

Claims 1, 3-17, 19-31, and 33-40 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: 2/15/05

By: _____
Allan T. Sponseller
Reg. No. 38,318
(509) 324-9256